## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UN | UNITED STATES OF AMERICA )   |   |  |  |  |  |  |
|----|--|---|--|--|--|--|--|
|    | Plaintiff,   | ) 8:09CR141<br>)  |  |  |  |  |  |
|    | vs.  | ) DETENTION ORDER   |  |  |  |  |  |
| EL | LIE MILLS,   |   |  |  |  |  |  |
|    | Defendant.   | }   |  |  |  |  |  |
| A. | Order For Detention After conducting a detention hearing pursua Act on May 11, 2009, the Court orders the a to 18 U.S.C. § 3142(e) and (i).  | int to 18 U.S.C. § 3142(f) of the Bail Reform bove-named defendant detained pursuant  |  |  |  |  |  |
| B. | Statement Of Reasons For The Detention  The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. |   |  |  |  |  |  |
| C. | methamphetamine (Cour<br>a minimum sentence of fi<br>forty years imprisonment<br>intent to manufacture me<br>U.S.C. § 841 carries<br>imprisonment.<br>(b) The offense is a crime of<br>(c) The offense involves a n  | and includes the following: e offense charged: to manufacture and attempt to manufacture int I) in violation of 21 U.S.C. § 846 carries ive years imprisonment and a maximum of t; the possession of pseudoephedrine with thamphetamine (Count II) in violation of 21 a maximum sentence of twenty years f violence.  |  |  |  |  |  |
|    | may affect wheth The defendant h X The defendant h X The defendant h The defendant is The defendant of ties. Past conduct of X The defendant h The defendant h The defendant h   | appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. It is not a long time resident of the community. However, the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at |  |  |  |  |  |

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|          |             | (b)    | At the time of the current arrest, the defendant was on:  Probation   |   |
|----------|-------------|--------|---|---|
|          |             |        | Parole Release pending trial, sentence, appeal or completion of sentence.   |   |
|          |             | (c)    | Other Factors:  |   |
|          |             | (0)    | The defendant is an illegal alien and is subject to   |   |
|          |             |        | deportation.  |   |
|          |             |        | The defendant is a legal alien and will be subject to   |   |
|          |             |        | deportation if convicted.  The Bureau of Immigration and Custom Enforcement   |   |
|          |             |        | (BICE) has placed a detainer with the U.S. Marshal.  Other:   |   |
|          |             |        |   |   |
| <u>X</u> | (4)         | releas | nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment and the idant's substance abuse history. |   |
|          | <b>(=</b> ) |        |   |   |
| <u>X</u> | (5)         |        | <u>ittable Presumptions</u><br>ermining that the defendant should be detained, the Court also relied  |   |
|          |             |        | e following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)  |   |
|          |             |        | the Court finds the defendant has not rebutted:   |   |
|          | X           |        | That no condition or combination of conditions will reasonably  |   |
|          |             |        | assure the appearance of the defendant as required and the safety   |   |
|          |             |        | of any other person and the community because the Court finds that  |   |
|          |             |        | the crime involves:   |   |
|          |             |        | <ul><li>(1) A crime of violence; or</li><li>(2) An offense for which the maximum penalty is life</li></ul>  |   |
|          |             |        | imprisonment or death; or   |   |
|          |             |        | X (3) A controlled substance violation which has a maximum  | n |
|          |             |        | penalty of 10 years or more; or   |   |
|          |             |        | (4) A felony after the defendant had been convicted of two  |   |
|          |             |        | or more prior offenses described in (1) through (3)   |   |
|          |             |        | above, <u>and</u> the defendant has a prior conviction for one  |   |
|          |             |        | of the crimes mentioned in (1) through (3) above which  |   |
|          |             |        | is less than five years old and which was committed while the defendant was on pretrial release.  |   |
|          | X           | (h)    | That no condition or combination of conditions will reasonably  |   |
|          |             | (5)    | assure the appearance of the defendant as required and the safety   |   |
|          |             |        | of the community because the Court finds that there is probable   |   |
|          |             |        | cause to believe:   |   |
|          |             |        | X (1) That the defendant has committed a controlled   |   |
|          |             |        | substance violation which has a maximum penalty of  |   |
|          |             |        | 10 years or more.   | _ |
|          |             |        | (2) That the defendant has committed an offense under 1   |   |
|          |             |        | U.S.C. § 924(c) (uses or carries a firearm during and in  |   |
|          |             |        | relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment   |   |
|          |             |        | if committed by the use of a deadly or dangerous  |   |
|          |             |        | weapon or device).  |   |

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse and mental health evaluation and provide a copy to the court and counsel. Thereafter, any party may move for a modification of the detention order.

DATED: May 12, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge